

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

At the outset, Applicant notes with appreciation the courtesy extended to Applicant's representative Chien Yuan by Examiner Julie Perez and Primary Examiner Erika Gary during a personal interview conducted on March 2, 2004.

Claims 15-39 are currently pending. Claims 15-28 are amended, and new Claims 29-39 are added, by the present amendment. Applicant respectfully submits that support for amended Claims 15-28 and for new Claims 29-39 is self-evident from the originally-filed disclosure, including the original claims and figures. No new subject matter is introduced to the claims by the foregoing amendment.

In the Office Action, Claims 15-28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Mankovitz (U.S. Patent No. 5,949,492) in view of Tognazzini (U.S. Patent No. 5,708,478).

The foregoing amendment amends portions of the specification to address formalities. Specifically, specification headings (e.g., "BACKGROUND OF THE INVENTION") are added by the foregoing amendment. No new subject matter is introduced to the specification by the foregoing amendment.

Regarding the rejection of Claims 15-28 under 35 U.S.C. § 103(a), Applicant respectfully submits that Mankovitz and Tognazzini fail to teach or suggest these amended claims.

The present invention is directed to a mobile device<sup>1</sup> that includes a receiver 38 configured to receive a radio or television program along with digital data that accompanies

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<sup>1</sup> e.g., Application Specification at Figure 1 (mobile device 3).

the program.<sup>2</sup> The program-accompanying digital data includes location parameters such that the digital data or a portion of the digital data contains information specific to a location of the mobile device 3 receiving the digital data. The program-accompanying digital data can include such information as location-specific advertising or descriptive information.<sup>3</sup> The mobile device 3 also includes a position locating module 39 configured to determine a current geographical position of the mobile device 3.<sup>4</sup> Also included in the mobile device 3 is a filter module 37 which receives the program-accompanying digital data from the receiver 38 and the determined geographic position from the position locating module 39. Based on the location parameters of the program-accompanying digital data and on the current geographic position, the filter module 37 filters location-specific information from the digital data and transmits this location-specific information to a processing module 36. In this way, only digital data specific to the current geographic location of the mobile device 3 is processed by the processing module 36 and displayed to a user of the mobile device 3 on a screen 31.

Amended Claim 15 recites a mobile device including:

- ...a receiver configured to receive programs and program-accompanying digital data...[that] includes location parameters...
- a position locating module configured to determine a current geographic position of the mobile device; and
- a filter module...configured to receive the program-accompanying digital data and to filter location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position.

Applicant respectfully submits that Mankovitz and Tognazzini fail to teach or suggest amended Claim 15.

Mankovitz depicts a portable radio tape unit in Figure 4, in which a digital tuner 207 receives radio signals via an antenna ANT. The unit 100 also includes a phone

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<sup>2</sup> e.g., *id.* at Figure 2 (receiver 38); and page 4, lines 23-30; and page 5, lines 3-12.

<sup>3</sup> *id.* at page 4, lines 16-22.

<sup>4</sup> *id.* at page 5, lines 16-31.

line/acoustic coupler 208 through which a CPU 201 receives auxiliary data associated with portions of a radio broadcast received by the digital tuner 207.<sup>5</sup>

In contrast to amended Claim 15, Mankovitz does not include a receiver configured to receive both programs and program-accompanying digital data. Rather, Mankovitz includes the digital tuner 207 to receive radio signals and a separate phone line/acoustic coupler 208 to receive analog auxiliary data. Further, the auxiliary data described in Mankovitz does not include any location parameters, as recited in amended Claim 15. Moreover, as acknowledged in the Office Action, Mankovitz does not disclose a position locating module or a filter module, as recited in amended Claim 15.

The Office Action turns to Tognazzini to remedy the deficiencies of Mankovitz with respect to amended Claim 15. Tognazzini depicts a computer system 6 (Figure 2) including a main CPU 18, an input device detector/decoder 16, a geographic detector processor, and a map processor 32. The input device detector/decoder 16 receives radio and television signals 14 and determines if advertising data is embedded in the signals 14.<sup>6</sup> The extracted advertising data is then transmitted to the main CPU 18 for processing. When a user of the computer system 6 desires to find the physical locations of advertisers, the geographic detector processor 28 transmits a current location to the main CPU 18 and this current location is used by the map processor 32 to find advertisers that are "geographically preferred with respect to current position of the user/computer system."<sup>7</sup>

Tognazzini does not disclose a receiver configured to receive both programs and program-accompanying digital data. Specifically, the advertising data imbedded in the signals 14 of Tognazzini are low-range or high-range radio or television signals, not digital data. Moreover, Tognazzini does not disclose a filter module configured to receive program-

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<sup>5</sup> Mankovitz at column 11, lines 18-25.

<sup>6</sup> Tognazzini in Figure 2; and column 5, lines 48-67.

<sup>7</sup> *id.* at column 6, lines 16-33.

accompanying digital data. For example, the main CPU 18 of Tognazzini receives from the input device detector/decoder 16 only extracted advertising data, and not program-accompanying digital data. Further, Tognazzini fails to disclose a filter module configured to filter location-specific information from program-accompanying digital data based on location parameters in a current geographic position. For example, Tognazzini does not disclose any component that filters location-specific information from program-accompanying digital data based on location parameters in the digital data and on the current location transmitted by the geographic detector processor 28. As such, Tognazzini fails to remedy the deficiencies of Mankovitz with respect to amended Claim 15.

Accordingly, Applicant respectfully submits that amended Claim 15 is patentable over Mankovitz and Tognazzini for at least the reasons discussed above. Applicant respectfully requests reconsideration and withdrawal of the rejection of amended Claim 15 under 35 U.S.C. § 103(a). Claims 16-21, 29, 30, and 38 depend from amended Claim 15 and are patentable for at least the reasons discussed above. Further, new Claims 33-37 and 39 recite features substantially similar to those discussed above and, therefore, are also patentable over Mankovitz and Tognazzini.

Amended Claim 22 recites a method for receiving and processing program-accompanying digital data, including receiving program-accompanying digital data by portable mobile device and filtering by the mobile device location-specific information from the program-accompanying digital data based on location parameters and on a determined current geographic position. For at least the reasons discussed above with respect to amended Claim 15, Mankovitz and Tognazzini fail to teach or suggest amended Claim 22. For example, neither Mankovitz or Tognazzini disclose receiving program-accompanying digital data by a mobile device. Further, neither Mankovitz nor Tognazzini describe filtering

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by a mobile device location-specific information from program-accompanying digital data based on location parameters and on a current geographic position.

Accordingly, Applicant respectfully submits that amended Claim 22 is patentable over Mankovitz and Tognazzini. Applicant respectfully requests reconsideration and withdrawal of the rejection of amended Claim 22 under 35 U.S.C. § 103(a). Claims 23-28, 31, and 32 depend from amended Claim 22 and are also patentable for at least the reasons discussed above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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